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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/467,418	12/20/1999	EDWIN JAMES HILPERT JR	AT9-99-407	2381

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EXAMINER
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BUI, KIEU OANH T

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/467,418

**Applicant(s)**

HILPERT JR ET AL.

**Examiner**

KIEU-OANH T BUI

**Art Unit**

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5,7,9-14,16,18-23,25 and 27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,7,9-14,16,18-23,25 and 27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____.  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____.   | 6) <input type="checkbox"/> Other: ____.                                    |

## DETAILED ACTION

### *Remark*

1. Claims 6, 8, 15, 17, 24, and 26 were canceled in the latest amendment (received on 8/7/04).

### *Response to Arguments*

2. Applicant's arguments with respect to claims 1-5, 7, 9-14, 16, 18-23, 25, and 27 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

4. Claims 1-5, 7, 9-14, 16, 18-23, 25, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumar et al. (U.S. Patent No. 6,356,921 B1) in view of Youden et al. (U.S. Patent No. 5,606,359).

Regarding claim 1, Kumar discloses "a method of disseminating information, comprising: forming one or more category frames containing data for user-selectable categories; forming a meta frame identifying the user-selectable categories corresponding to the one or more category frames; and transmitting broadcast information including the meta frame and the one or more category frames in sequence on a common transmission media shared by a plurality of users", i.e., the broadcasting information is delivering and presenting to the user in an updated

loop 218 as in a sequence on common transmission media shared by a plurality of users (Fig. 2, and col. 5/lines 9-34 as the Internet for a plurality of users to access), wherein the presentation data is presenting to the user in a form of data frames (Fig. 3) including meta frames containing types for categories selectable by the user, see col. 3/line 20 to col. 4/line 5 for categories such as cars and TVs presenting to the user at level 1, and then with more sub-categories at levels 2, 3 and 4 for detailed information on those categories; furthermore, meta frame 506 (Fig. 5) contains Action Frames (referred to Fig. 15) including frame type and frame data segments associated with the frame to link to appropriate types, genres or categories as shown in Fig. 1 (col. 9/line 65 to col. 10/line 25 and col. 12/lines 14-43 for details of meta frames and action frames).

Kumar further discloses “transmitting the meta frame in repetitive succession in one or more continuous cycles”, i.e., the broadcasting information is delivering and presenting to the user in an updated loop 218 as in a sequence or continuous cycles on common transmission media shared by a plurality of users (Fig. 2, and col. 5/lines 9-34 as the Internet for a plurality of users to access), wherein the presentation data is presenting to the user in a form of data frames (Fig. 3) including meta frames containing types for categories selectable by the user, see col. 3/line 20 to col. 4/line 5 for categories such as cars and TVs presenting to the user at level 1, and then with more sub-categories at levels 2, 3 and 4 for detailed information on those categories.

Kumar does not disclose the step of “transmitting the meta frame in repetitive succession on a first frequency; and transmitting subsets of the one or more category frames in repetitive succession on one or more other frequencies, wherein a unique subset of the one or more category frames is transmitted on each of the one or more other frequencies and not on the first frequency”; however, in a same environment as of Kumar’s in providing media files to users,

Youden discloses that the distribution network can provide wireless transmission medium to client/user from video server or sources and from other application servers (Youden, Fig. 1, and col. 4/line 65 to col. 5/line 24). Then, metadata and/or meta frames from servers (Youden, col. 5/lines 45-57) can be delivered to the user/client wirelessly via radio frequency (or RF) under real-time controller 60 (Figs. 2 & 3) with the help of selector switch 102 and rate control 105 for delivering appropriate programs and media files to the client (Youden, Fig. 4, and col. 7/line 65 to col. 8/line 43), and each user has his own time slots in any given master time interval (col. 11/line 39-col. 12/line 11). In addition, the rate generator provides different timing frequencies for controlling the flow of data while delivering media data to the user/client (col. 19/lines 10-14).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kumar's system with Youden's distribution network using radio frequency (RF) as means for wirelessly communication between the network and the client/user in order to obtain the steps of "transmitting the meta frame in repetitive succession on a first frequency; and transmitting subsets of the one or more category frames in repetitive succession on one or more other frequencies, wherein a unique subset of the one or more category frames is transmitted on each of the one or more other frequencies and not on the first frequency" as preferred.

As for claim 2, in further view of claim 1 above, Kumar further discloses "comprising: responsive to receiving the meta frame and the one or more category frames at a device employed by one of the plurality of users, extracting category information from the meta frame and presenting the user-selectable categories to the user", i.e., user device 202 (Fig. 3) receives

presentation file at the device containing category information from the meta frame as shown in Figure 1 (col. 3/lines 5-50).

As for claim 3, in further view of claim 2 above, Kumar further suggests “comprising: responsive to selection of a user-selectable category by the user, receiving a category frame corresponding to the user-selectable category from the one or more category frames, formatting data within the category frame for presentation to the user, and presenting the data from the category frame to the user utilizing the device”, i.e., per request from the user, the requested information based on category is collected and formatted as data frames at the server (as illustrated in Fig. 2) and presenting to the user at the user device (col. 5/lines 9-10).

As for claim 4, in further view of claim 1 above, Kumar discloses “wherein the step of forming one or more category frames containing data for user-selectable categories further comprises: forming each category frame with a starting delimiter identifying a start of the respective category frame, a major code identifying a category to which the respective category frame belongs, encoded data for the respective category frame, and an ending delimiter for the respective category frame”, i.e., frames presented to the user has a file header as a starting delimiter and an end of stream (EOS) as an ending delimiter for data frames (Fig. 5) with meta frame 506 containing action frame (as of Fig. 15) further containing frame type as a major code for identifying a category frame belongs (Fig. 15, and col. 12/lines 14-43).

As for claim 5, in further view of claim 1 above, Kumar further discloses “wherein the step of forming a meta frame identifying the user-selectable categories corresponding to the one or more category frames further comprises: forming the meta frame with a starting delimiter identifying a start of the meta frame, a major code identifying the meta frame, for each category

corresponding to one of the one or more category frames, a category name for the respective category, a major code identifying the respective category to which the one of the one or more category frames belongs, position information specifying a position of the one of the one or more category frames within the broadcast information, and an ending delimiter identifying an end of the meta frame”, i.e., Figures 6A & 6B present diagrams of the general structure of a frame as a meta frame, which a frame header 602 contains generic frame header as a starting delimiter, a frame type-specific header segment 608 as category frame for a specific type that the frame belongs, with a frame type (Fig. 6B) as a major code identifying the meta frame, frame length and trackID within the header frame (Fig. 7) indicates the position of the frame within the broadcasting stream, and a EOS for an end of stream as an ending delimiter identifying an end of the meta frame (col. 5/lines 35-47).

(Claim 6 was canceled).

As for claim 7, in further view of claim 6, Kumar suggests “wherein the step of transmitting the meta frame and the one or more category frames in repetitive succession in one or more continuous cycles on one or more frequencies further comprises: transmitting the meta frame and the one or more category frames in repetitive succession in a single continuous cycle on a single frequency”, i.e., the requesting information is delivered to the user in a single continuous cycle on a predetermined track as on a single frequency or channel (Fig. 3, and col. 6/line 58 to col. 7/line 9) based on an initial request from the user (on a single continuous cycle) or later modifications (on more continuous cycles) of that request (see col. 5/lines 14-34).

(Claim 8 was canceled).

As for claim 9, in further view of claim 6 above, Kumar teaches “wherein the step of transmitting the meta frame and the one or more category frames in repetitive succession in one or more continuous cycles on one or more frequencies further comprises: transmitting the meta frame and the one or more category frames in repetitive succession in a single continuous cycle on each of a plurality of frequencies at different offsets, wherein a different frame from the meta frame and the one or more category frames is transmitted at a given time on each frequency within the plurality of frequencies”, i.e., each track containing file including meta frame and the one or more category frames in one or more continuous cycle as discussed above is transmitted at a given time at different offsets because each frame has different (or its own) attributes including track IDs, frame length, range frame, frame types, and index of frame records as well as sequence of range elements (col. 9/line 65 to col. 11/line 33).

Regarding claims 10-14, 16, and 18, these claims for “a system of disseminating information, comprising: means for forming one or more category frames containing data for user-selectable categories; means for forming a meta frame identifying the user selectable categories corresponding to the one or more category frames; and means for transmitting broadcast information including the meta frame and the one or more category frames in sequence on a common transmission media shared by a plurality of users; means for transmitting the meta frame in repetitive succession in one or more continuous cycles on a first frequency; and means for transmitting subsets of the one or more category frames in repetitive succession on one or more other frequencies, wherein a unique subset of the one or more category frames is transmitted on each of the one or more other frequencies and not on the first frequency”



with same limitations addressed earlier are rejected for the reasons given in the scope of claims 1-5, 7, and 9 as discussed in details above with the disclosure and teaching of Kumar and Youden.

Regarding claims 19-23, 25, and 27, these claims for “a computer program product within a computer usable medium for disseminating information, comprising: instructions for forming one or more category frames containing data for user-selectable categories; instructions for forming a meta frame identifying the user-selectable categories corresponding to the one or more category frames; and instructions for transmitting broadcast information including the meta frame and the one or more category frames in sequence on a common transmission media shared by a plurality of users; instructions for transmitting broadcast information including the meta frame and the one or more category frames in sequence on a common transmission media shared by a plurality of users; instructions for transmitting the meta frame in repetitive succession in one or more continuous cycles on a first frequency; and means for transmitting subsets of the one or more category frames in repetitive succession on one or more other frequencies, wherein a unique subset of the one or more category frames is transmitted on each of the one or more other frequencies and not on the first frequency” with same limitations addressed earlier are rejected for the reasons given in the scope of claims 1-5, 7, and 9 as discussed in details with the disclosure and teaching of Kumar and Youden above.

***Conclusion***

**5. Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**(703) 872-9306, (for Technology Center 2600 only)**

*Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (703) 305-0095. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:30 PM, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant, can be reached on (703) 305-4755.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Krista Bui  
Art Unit 2611  
November 30, 2004



**KRISTA BUI  
PATENT EXAMINER**